
By: **Senators Green and Giannetti**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Dual Jurisdiction - Juvenile Offenders**

3 FOR the purpose of authorizing a circuit court that has jurisdiction over certain
4 criminal cases involving a juvenile to simultaneously impose a juvenile and an
5 adult sentence; authorizing the court to order the child to complete the juvenile
6 disposition and to suspend the adult sentence under certain circumstances;
7 authorizing the court to change a disposition while a child is under the court's
8 jurisdiction under certain circumstances; and generally relating to juvenile
9 offenders.

10 BY adding to

11 Article - Criminal Procedure

12 Section 4-202.3

13 Annotated Code of Maryland

14 (2001 Volume and 2004 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Criminal Procedure**

18 4-202.3.

19 (A) IN A CRIMINAL PROSECUTION INVOLVING A CHILD THAT RESULTS IN A
20 CONVICTION OR A GUILTY PLEA BASED ON AN ACT THAT IS EXCLUDED FROM
21 JUVENILE COURT JURISDICTION UNDER § 3-8A-03(D) OF THE COURTS ARTICLE OR IN
22 WHICH JUVENILE COURT JURISDICTION IS WAIVED UNDER § 3-8A-06 OF THE COURTS
23 ARTICLE, A CIRCUIT COURT EXERCISING CRIMINAL JURISDICTION MAY, AT THE
24 SAME TIME:

25 (1) MAKE ANY DISPOSITION LISTED IN § 3-8A-19 OF THE COURTS
26 ARTICLE; AND

27 (2) IMPOSE AN ADULT CRIMINAL SENTENCE PROVIDED BY LAW.

1 (B) IF THE CIRCUIT COURT IMPOSES BOTH A DISPOSITION AND A SENTENCE
2 UNDER SUBSECTION (A) OF THIS SECTION, THE COURT MAY ORDER THE CHILD TO
3 COMPLETE THE JUVENILE DISPOSITION AND SUSPEND THE ADULT CRIMINAL
4 SENTENCE, SUBJECT TO CONDITIONS ESTABLISHED BY THE COURT.

5 (C) IF THE CIRCUIT COURT ORDERS THE CHILD TO COMPLETE THE JUVENILE
6 DISPOSITION UNDER SUBSECTION (B) OF THIS SECTION, THE COURT, AT ANY TIME
7 DURING THE JUVENILE DISPOSITION, MAY:

- 8 (1) REVOKE THE JUVENILE DISPOSITION;
- 9 (2) IMPOSE THE ADULT CRIMINAL SENTENCE; OR
- 10 (3) ENTER ANY ORDER IT CONSIDERS APPROPRIATE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2005.